

Applicant : Walker et al.
Serial No. : 10/702,198
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Attorney's Docket No.: 08168-053001

REMARKS

Claims 1-15 are pending, with claims 1, 12 and 13 being independent. Claims 1-12 have been withdrawn from consideration. Claim 13 has been amended. No new matter has been added. Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 13 and 14 stand rejected under 35 USC 102(b) as allegedly being anticipated by Kohler, Jr., Des.280,342 (hereinafter, "Kohler"). Claim 15 stands rejected under 35 USC 103(a) as allegedly being unpatentable over Kohler in view of Mattson, Jr. et al., U.S. Pat. No. 6,395,167 (hereinafter, "Mattson"). These contentions are respectfully traversed.

Independent claim 13 has been amended to clarify that the four curved side walls are exterior side walls. Claim 13 now recites, "a top edge defining a shape of the spa shell, the top edge having four rounded corners that are concave relative to the interior, each corner having a radius that exceeds twelve inches, and four curved exterior side walls that are convex relative to the interior, each side wall connected between two corners; wherein the top edge is substantially symmetrical both about an axis that bisects the interior through two side walls and about an axis that bisects the interior through two corners." (Emphasis added.)

In contrast, Kohler teaches a squared spa shell, and shows a top edge having four squared corners on the outside. Kohler provides no explicit teaching regarding any exterior side walls, and fails to teach or suggest four curved exterior side walls as claimed. Accordingly, independent claim 13 is not anticipated by Kohler, and withdrawal of the 102 rejection is respectfully requested.

Independent claim 13 should now be in condition for allowance. Claims 14 and 15 should be patentable based at least upon their dependence from allowable claim 13.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific issue or comment does not signify agreement with or concession of that issue or comment. Because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue

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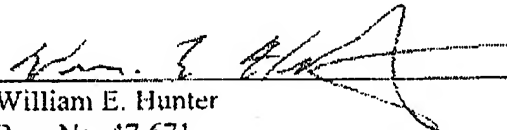
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with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

It is respectfully suggested for all of these reasons, that the current rejections are overcome, that none of the cited art teaches or suggests the features which are claimed, and therefore that all of these claims should be in condition for allowance. A formal notice of allowance is thus respectfully requested.

Please apply the two month Extension of Time fee, and any other necessary charges or credits, to deposit account 06-1050.

Respectfully submitted,

Date: June 19, 2006

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